

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

Sea Salt, LLC,

Plaintiff,

v.

**Matthew Bellerose, Amanda Bellerose,
Vincent Mastropasqua, Anthony
Mastropasqua, East End Transport, LLC,
and United Parcel Service, Inc.**

Defendants.

Civil Action No.

Defendant Vincent Mastropasqua's Notice of Removal

Pursuant to Title 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Vincent Mastropasqua hereby gives notice of the removal of this action from the State of Maine Superior Court (York County) to the United States District Court for the District of New Maine. In support thereof, Vincent Mastropasqua states as follows:

1. Sea Salt, LLC ("Plaintiff") filed a Complaint against Defendants Matthew Bellerose, Vincent Mastropasqua, and East End Transport, LLC on or about August 3, 2018 alleging state law claims only. .

2. On October 4, 2018, counsel for Sea Salt, LLC sent, via e-mail and by hand delivery to the undersigned counsel for Defendant Vincent Mastropasqua, a copy of a First Amended Complaint which adds Amanda Bellerose, Anthony Mastropasqua, and United Parcel Service, Inc. as defendants, and adds federal claims under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1964.

3. Upon information and belief, none of the defendants (including Vincent Mastropasqua) have been served with the initial Complaint or the First Amended

Complaint. The basis for this statement is that a staff member of counsel's officer called the clerk of the York County Superior Court on October 5, 2018, and confirmed that the docket does not include a docket entry indicating that a summons and complaint had been served or that service had been accepted by any of the defendants or that an answer had been filed.

4. Although neither the Complaint nor the First Amended Complaint were served upon Defendant Vincent Mastropasqua and no answer has been filed on his behalf, the documents attached as Exhibit A and Exhibit B constitute the Complaint and First Amended Complaint that were provided to his counsel.

5. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days of receipt of the First Amended Complaint (which was received on October 4, 2018). Because the First Amendment Complaint alleges violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1964, this Court has federal question jurisdiction over this case and supplemental jurisdiction over the pendant state law claims. 28 U.S.C. § 1331, 1367. Thus, this case is properly removable to this Court under 28 U.S.C. § 1441.

6. Pursuant to 28 U.S.C. § 1446(d), Vincent Mastropasqua will promptly file a Notice of Filing of Notice of Removal and a copy of this Notice with the Clerk of the State of Maine Superior Court (York County) and will also serve a copy upon Plaintiff's attorney as well as upon the other Defendants. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit C.

7. Defendant Vincent Mastropasqua states that prior to the filing of this Notice of Removal, the Maine Superior Court issued an ex parte order granting an attachment

(Exhibit D) and also a subsequent order dissolving that attachment (Exhibit E). Because of the volume of documents associated those filings (approximately 500 pages), to avoid the unnecessary filing of duplicate documents, and to insure the complete accuracy of the record, Defendant Vincent Mastropasqua also gives notice that he will promptly obtain and cause to be filed with this Court a complete duplicate copy of the entire State Court Record in this matter.

WHEREFORE, Vincent Mastropasqua hereby removes the action now pending against him in the State of Maine Superior Court (York County) to this Court and requests that this Court maintain jurisdiction over him as provided by law.

Dated: October 5, 2018

/s/ Gene R. Libby, Esq.
Gene R. Libby, Esq. (Bar No. 427)

/s/ Tyler J. Smith, Esq.
Tyler J. Smith, Esq. (Bar No. 4526)
Attorneys for Defendant Vincent
Mastropasqua
Libby O'Brien Kingsley & Champion, LLC
62 Portland Road, Suite 17
Kennebunk, Maine 04043
(207) 985-1815
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tsmith@lokllc.com

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2018, I electronically filed a Notice of Removal with the Clerk of Court using the CM/ECF system which will send notification of such filing(s), and have mailed the same via U.S. Mail, First Class Mail, to the following:

Plaintiff:

Laura H. White, Esq.
Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, ME 04043
lwhite@bergenparkinson.com

Defendant Amanda

Bellerose:
John S. Whitman, Esq.
Heidi J. Eddy, Esq.
Richardson, Whitman,
Large & Badger
465 Congress Street
P.O. Box 9545
Portland, ME 04112-9545
jwhitman@rwlb.com

Defendant Matthew

Bellerose:
Joshua D. Hadiaris, Esq.
Thomas Marjerison, Esq.
Norman Hanson & DeTroy
Two Canal Plaza
P.O. Box 4600
Portland, Maine 04112
jhadiaris@nhdlaw.com
tmarjerison@nhdlaw.com

Defendant East End Transport,
LLC:

Steven W. Rand, Esq.
Desmond & Rand, PA
55 Stroudwater St.
Westbrook, ME 04092
207-854-1218
888-861-7478
Email:
steve@desmondrand.com

Defendant Anthony

Mastropasqua:
C. Alan Beagle, Esq.
Beagle & Ridge LLC
10 Moulton Street
Portland, ME 04101
773-1751
Email:
cab@beagleridge.com

Defendant United Parcel
Service, Inc.:
Corporation Service Company
45 Memorial Circle
Augusta, ME 04330

Dated: October 5, 2018

/s/ Tyler J. Smith

Tyler J. Smith, Esq. (Bar No. 4526)
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